

Jun 05 03 03:42p

J C WRAY

703 448-7397

P.1

9B28

CERTIFICATE OF TRANSMISSION

I hereby certify that this one-page correspondence is being  
facsimile transmitted to the Patent and Trademark Office (Fax No.  
(703) 872-9310)

on 6/5/03  
(Date)

*Julie H. Gamotis*  
Julie H. Gamotis

*CH444*  
*MOTT*  
6-9-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Fax: (703) 872-9310

STEPHEN B. AUGER

FAX RECEIVED

Serial No. 08/865,419

M. Einsmann

JUN 06 2008

Filed: May 28, 1997

TC 1700

For: MINERAL STAINS FOR WOODS AND OTHER SUBSTRATES

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

To the Director of the Patent and Trademark Office

Sir:

Kindly withdraw the attached holding of abandonment dated  
May 16, 2003 (Exhibit A).

The Notice of Abandonment is in error. Applicant timely  
filed a response on April 23, 2003, along with the required three  
month extension fee.

Copies of the stamped Mailroom Receipt and Notice of  
Abandonment are attached.

Withdrawal of the holding of abandonment and reinstatement  
of the case is requested.

Respectfully,

*James C. Wray*

James C. Wray, Reg. No. 22,693  
Meera P. Narasimhan, Reg. No. 40,252  
1493 Chain Bridge Road  
Suite 300  
McLean, Virginia 22101  
Tel: (703) 442-4800  
Fax: (703) 448-7397

June 5, 2003

**OFFICIAL****FAX RECEIVED**

JUN 06 2008

TC 1700

To: The Honorable Commissioner of Patents  
Washington, D.C. 20231

Sir:

Kindly acknowledge receipt of the accompanying:  
Fee Transmittal, Response (34 pp), \$465 check

In re Application of:  
STEPHEN B. AUGER

Serial No. 08/865,419

Filing Date: May 28, 1997

For: MINERAL STAINS FOR WOODS AND OTHER SUBSTRATES



by placing your receiving date stamp hereon and mailing.

Jun 05 03 03:43p

J C WRAY

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JUN 06 2008

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UNITED STATES PATENT AND TRADEMARK OFFICE

TC 1700

RECEIVED MAY 19 2003

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/865,419	05/28/1997	STEPHEN B. AUGER	CLINK0002	8405

7590 05/16/2003

JAMES C. WRAY  
1493 CHAIN BRIDGE ROAD  
SUITE 300  
MCLEAN, VA 22101

EXAMINER

EINSMANN, MARGARET V

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 05/16/2003

*Notice of Abandonment*

Please find below and/or attached an Office communication concerning this application or proceeding.

OFFICIAL JUN 06 2008

RECEIVED MAY 19 2003

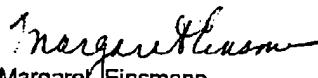
TC 1700

Notice of Abandonment	Application No.	Applicant(s)	
	08/865,419	AUGER, STEPHEN B.	
	Examiner	Art Unit	
	Margaret Einsmann	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 10/23/02.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:


  
 Margaret Einsmann  
 Primary Examiner  
 Art Unit: 1751

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

#44

PATENT  
Client-Matter No.: 63088-010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Stephen E. Auger )  
Serial No.: 08/865,419 )  
Filed: May 28, 1997 )  
For: MINERAL STAINS FOR WOOD )  
AND OTHER SUBSTRATES )  
)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

POWER TO INSPECT

As the applicant of the above-identified application, I  
hereby authorize that Virginia Click and Sokban Chau of  
McDermott, Will & Emery be permitted to inspect and make copies  
of the above-identified application.

Respectfully submitted,

Stephen B. Auger

Date: 5/17/2003